

April 27, 2016

VIA ELECTRONIC AND CERTIFIED MAIL

Mr. Jeff S. Jordan
Assistant General Counsel
Federal Election Commission
Attn: Ms. Donna Rawls
999 E Street, N.W.
Washington, DC 20463

Re: MURs 7020 and 7021—Response of Paul Babeu for Congress (Chris Marston, Treasurer)

Dear Mr. Jordan:

Complaints filed recently with the Commission wrongly accuse Paul Babeu for Congress (the “Committee”) of a “clear violation of the law.”¹ The complaints, for example, make much of a now-corrected error that caused an incorrect congressional district to be temporarily listed, as well as a delay in the filing of a Statement of Candidacy.

The reality is, though, that the Committee timely filed a Statement of Organization and timely submitted all periodic disclosure reports that have been due. If the overall purpose of federal disclosure laws is to “enable[] the electorate to make informed decisions and give proper weight to different speakers and messages,” surely this standard was met by the filings of the Committee and the actions of its principals.² The public was put on notice that Mr. Babeu was running for Congress, both because of the Committee’s filings and because of his contemporaneous public statements. And all receipts and expenditures that flowed into and out of the Committee were disclosed in full and on deadline. At no point did Arizona voters or other interested parties suffer a lack of information about Mr. Babeu’s candidacy. The Commission’s practice has been to dismiss enforcement matters alleging paperwork flaws where, as here, the public record has accurately reflected a campaign’s total financial activity.³

To the extent there was a deficiency in any Committee filing, it was the result of the Committee’s reliance on the advice of its former legal counsel. The Committee had, at its outset, retained experienced and qualified counsel for the specific purpose of preparing and filing all necessary paperwork. The Committee was not aware of any potential issue with its paperwork until January 2016, at which point it moved immediately to correct any and all problems. The

¹ Coward Complaint at 3. See also Files Complaint at 1.

² Citizens United v. Fed. Election Comm’n, 558 U.S. 310, 371 (2010).

³ See, e.g., Fed. Election Comm’n Matters Under Review 5723, 6728, and 6815.

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Committee has now taken further corrective action by retaining new legal counsel and a new reporting compliance firm, which it expects will prevent the recurrence of any similar issues in the future.

Because the Committee's filings provided all relevant information to voters upon their initial submission and because the Committee has taken effective and immediate action to correct any alleged issues in its filings, the Commission should find no reason to believe that a violation occurred and should dismiss these Matters.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Matthew T. Sanderson', with a long horizontal flourish extending to the right.

Matthew T. Sanderson
Caplin & Drysdale, Chartered

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